

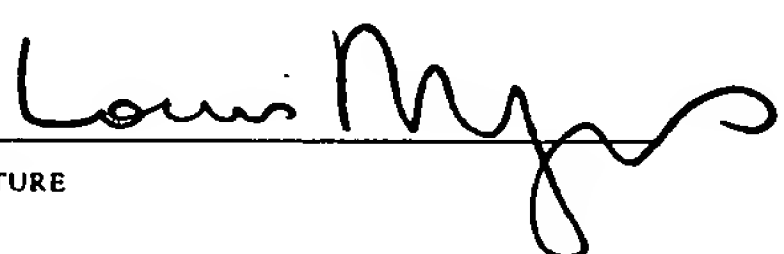
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| FORM PTO-1390 (REV 5-93) | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | ATTORNEY'S DOCKET NUMBER |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | | | BGP-021US |
| | | | | U.S. APPLICATION NO. (If known, see 37 CFR 1.5) |
| INTERNATIONAL APPLICATION NO. PCT/US93/00030 | | INTERNATIONAL FILING DATE 12 January 1993 (12.01.93) | | PRIORITY DATE CLAIMED 13 January 1992 (13.01.92) |
| TITLE OF INVENTION TREATMENT FOR ASTHMA | | | | |
| APPLICANT(S) FOR DO/EO/US Roy R. Lobb | | | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | | | |
| <p>1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).</p> <p>4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> has been transmitted by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</p> <p>6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> have been transmitted by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p style="margin-left: 20px;">d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (4 pp)</p> <p>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11. to 16. below concern other document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</p> <p>14. <input type="checkbox"/> A substitute specification.</p> <p>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>16. <input checked="" type="checkbox"/> Other items or information: check for \$40.00 for assignment recordation; Verified Statement claiming Small Entity Status; Letter of Transmittal (2 pp); Petition for two month extension of time; check for \$185.00 for extension fee; postpaid return postcard; copy of Form PCT/DO/EO/905 mailed September 2, 1994; Certificate of mailing under 37 CFR 1.10</p> | | | | |

(July 1994)

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| U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 08/256,631 | | INTERNATIONAL APPLICATION NO. PCT/US93/00030 | | ATTORNEY'S DOCKET NUMBER BGP-021US | |
| 17. <input type="checkbox"/> The following fees are submitted: Basic National Fee (37 CFR 1.492(a)(1)-(5)): Search Report has been prepared by the EPO or JPO..... \$830.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) \$640.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).. \$710.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$950.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)..... \$90.00 ENTER APPROPRIATE BASIC FEE AMOUNT = | | | | CALCULATIONS | |
| | | | | PTO USE ONLY | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | previously paid 12.07.94 | |
| Claims | Number Filed | Number Extra | Rate | | |
| Total Claims | -20 = | | X \$22.00 | \$ -- | |
| Independent Claims | -3 = | | X \$74.00 | \$ | |
| Multiple dependent claims(s) (if applicable) | | | + \$230.00 | \$ | |
| TOTAL OF ABOVE CALCULATIONS | | | | = \$ | |
| Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28). | | | | \$ | |
| SUBTOTAL | | | | = \$ | |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | + \$ | |
| TOTAL NATIONAL FEE | | | | = \$ | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover-sheet (37 CFR 3.28, 3.31). \$40.00 per property + | | | | \$ 40.00 | |
| TOTAL FEES ENCLOSED | | | | = \$ 40.00 | |
| | | | | Amount to be: | |
| | | | | refunded \$ | |
| | | | | charged \$ | |
| | | | | | |
| a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>40.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>12-0080</u> . A duplicate copy of this sheet is enclosed. | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. | | | | | |
| SEND ALL CORRESPONDENCE TO: Louis Myers, Esq. Lahive & Cockfield 60 State Street Boston, MA 02109 | | | | <div style="text-align: center;">  SIGNATURE </div> <div style="text-align: center;"> NAME <u>Louis Myers</u> Attorney for Applicant Reg. No. <u>35,965</u> REGISTRATION NUMBER </div> | |

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
DESIGNATED/ELECTED OFFICE (DO/EO/US)

In re the application of: Roy R. Lobb
International Appln. No. PCT/US93/00030
International Filing Date 12 January 1993
U. S. Serial No.: 08/256,631
Filed: July 12, 1994
For: TREATMENT FOR ASTHMA
Attorney Docket No.: BGP-021US

Group Art Unit:

Examiner:

U.S. Commissioner of Patents and Trademarks
PCT (DO/EO/US)
Washington, D.C. 20231

Certification Under 37 CFR 1.10

I hereby certify that the attached Petition Under 37 CFR 1.136(a) for a Two Month Extension, check in the amount of \$185.00, Transmittal Letter to the United States Designated/Elected Office (2 pp.), Combined Declaration For Patent Application and Power of Attorney (4 pp.), Verified Statement Claiming Small Entity Status (1 p.), Assignment with Recordal Sheet and check for \$40.00, and return postcard, are being deposited by me with the United States Postal Service "Express Mail Post Office to Addressee" service, Mailing Label No. **TB546 208 278US**, under 37 CFR 1.10 on the date indicated below and is addressed to the Commissioner of Patents and Trademarks, Box PCT (DO/EO/US), Washington, D.C. 20231.

DEC. 1, 1994

Viriato G. Cardoso

Viriato G. Cardoso

RETAIN THIS NUMBER-CUSTOMER
RECEIPT WILL BE MAILED TO YOU.

TB546208278 US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
DESIGNATED/ELECTED OFFICE (DO/EO/US)

In re the application of: Roy R. Lobb
International Appln. No. PCT/US93/00030
International Filing Date 12 January 1993
U. S. Serial No.: 08/256,631
Filed: July 12, 1994
For: TREATMENT FOR ASTHMA
Attorney Docket No.: BGP-021US

Group Art Unit:
Examiner:

U.S. Commissioner of Patents and Trademarks
BOX PCT (DO/EO/US)
Washington, D.C. 20231

LETTER OF TRANSMITTAL

Sir:

In response to the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) mailed September 2, 1994; enclosed are the following:

1. Copy of NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) mailed September 2, 1994;
2. PETITION UNDER 37 CFR 1.136(A) FOR A TWO-MONTH EXTENSION OF TIME TO RESPOND (1 p. in duplicate);
3. Check for \$185.00 in payment for two month extension of time;
4. TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 (2 pp.)
5. Executed Combined Declaration For Patent Application and Power of Attorney (4 pp.)
6. Executed Assignment (1 p.)
7. Assignment Recordal Sheet (1 p.)
8. Check for \$40.00 in payment of assignment recordation fee;

PCT/US93/00030

Atty Dkt BGP-021US

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9. Executed Verified Statement Claiming Small Entity Status - Small Business Concern (1 p.);

10. Postpaid return postcard

The undersigned authorizes the charging of any additional fees and crediting of any overpayment associated with this communication to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. **A duplicate copy of this letter is enclosed.**

"Express Mail" mailing label number TB546 208 278US

Date of Deposit December 1, 1994

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231

Vicente G. Cardoso

Signature

Vicente G. Cardoso

Please Print Name of Person Signing

LAHIVE & COCKFIELD
Attorneys at Law

By Louis Myers

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